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11 Attorneys for Defendants
12 Tesla, Inc., Elon Musk, and Warner Bros.
13 Discovery, Inc.

14 ALCON ENTERTAINMENT, LLC, a
15 Delaware Limited Liability Company,

16 Plaintiff,

17 v.

18 TESLA, INC., a Texas Corporation;
19 ELON MUSK, an individual;
20 WARNER BROS. DISCOVERY, INC.,
21 a Delaware Corporation;

22 Defendants.

23 Case No. 2:24-cv-09033-GW-RAO

24 **DEFENDANTS' UNOPPOSED
APPLICATION FOR LEAVE TO
FILE UNDER SEAL, PURSUANT TO
L.R. 79-5.2.2(a)-(b), CERTAIN
PORTIONS OF ONE EXHIBIT
FILED WITH DEFENDANTS'
MOTIONS TO DISMISS**

25 District Judge: George H. Wu

26 Magistrate Judge: Rozella A. Oliver

1 Pursuant to Civil Local Rule 79-5.2.2(a), Defendants Tesla, Inc. (“Tesla”), Elon
2 Musk and Warner Bros. Discovery, Inc. (“WBDI”) (collectively, “Defendants”) file
3 this Unopposed Application for Leave to File Under Seal an unredacted version of
4 Exhibit 1 to the Declaration of Rachel Jennings in Support of Defendants’ Motions to
5 Dismiss (“Jennings Declaration”).

6 Defendants request to redact the highlighted excerpts of this document, which
7 contain confidential commercial information regarding the financial terms of a
8 negotiated special event contract and the names and personal information (including
9 a job title and email addresses) related to three individuals involved in the contract on
10 behalf of Defendants Tesla and WBDI. Compelling reasons exist to file the portions
11 of Exhibit 1 under seal, as described in the Sealed Marchese Declaration
12 accompanying this Application to Seal. Public disclosure of the confidential,
13 negotiated financial details of this contract would create a substantial risk of serious
14 harm to Tesla and WBDI’s competitive position in other contract negotiations. Both
15 Tesla and WBDI have kept the terms of this contract in confidence and do not
16 typically disclose the terms of such contracts, especially negotiated pricing, to
17 maintain their competitive positions in future negotiations. As to the redacted personal
18 information for the individuals involved in the contract, Tesla and WBDI take all
19 reasonable steps to prevent disclosure of employee names and other personal
20 information, such as job titles and email addresses, in public court filings.

21 Defendants have narrowly tailored the information that they request be sealed
22 by the Court.

23 On February 4, 2025, Defendants’ counsel informed Plaintiff’s counsel of the
24 presence of Defendants’ confidential information in portions of Exhibit 1. From
25 February 4 to 6, 2025, counsel for both sides communicated by email and phone as to
26 sealing this information, and Defendants’ counsel was informed on February 6, 2025
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1 by Plaintiff's counsel that Plaintiff would not oppose sealing of the material that was
2 redacted from Exhibit 1 to the Jennings Declaration.

3 A proposed order granting this Application has also been filed.

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5 FISH & RICHARDSON P.C.
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7 Dated: February 7, 2025

8 /s/ Christopher S. Marchese

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DEFENDANTS' UNOPPOSED APPLICATION FOR LEAVE TO FILE UNDER
SEAL CERTAIN EXHIBITS TO MOTION TO DISMISS
Case No. 8:24-cv-9033-GW-RAO

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